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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,853	07/12/2006	Kazuyoshi Okamoto	3306-107	7752
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W.			EXAMINER	
			WORRELL JR, LARRY D	
SUITE 800 WASHINGTON, DC 20005		ART UNIT	PAPER NUMBER	
			3765	
			NOTIFICATION DATE	DELIVERY MODE
			09/05/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary Examiner		Application No.	Applicant(s)					
Denny Worrell 3765 - The MALLING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Fallentosis or time may be evaluated under the prohibition of 37 CFR 1.75(b); in to death thereo; may a reply the time of the maintain addition prince will apply and will expire SK (6) MONTH'S from the mailing date of this communication. Fallentosis region within the set or deeded period for noy by the y statute, came the application, even if timely filled, may reduce any camed pattern torm definations. Set 37 CFR 1.75(b); with by statute, came the application, even if timely filled, may reduce any camed pattern torm definations. Set 37 CFR 1.75(b); with by statute, came the application, even if timely filled, may reduce any camed pattern torm defination is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ○ Claim(s) ±12 Is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5] ○ Claim(s) ±12 Is/are rejected. 7) ○ Claim(s) is/are objected to. 8) ○ Claim(s) is/are objected to. 8) ○ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ○ The specification is objected to by the Examiner. 10) ○ The drawing(s) filled on is/are: a) ○ accepted or b) ○ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.12(d). 11) ○ The drawing(s) filled on is/are: a) ○ accepted or b) ○ objected to See 37 CFR 1.12(d). 12) ○ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ○ All b) ○ One * c) ○ North Communication. 24 ○ Certified copies of the		10/585,853	OKAMOTO, KAZUYOSHI					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the previous of 3 CFR 1138(b). In no event however, was reply to a timely field If NO period for reply is appetited above, the resultment attention period will apply and will expire SIX (8) MONTHS from the making date of this communication. Fallier to reply with this eas or exceeded period for regly will by statute. came the application become ABMONDERS (SU SL SC. § 133). Any reply secreted by the Office later than them making called the resulting case of the communication, event furnity flied, may reduce any search period term of spellments. Set of CFR 1,740(2). Status 1)	Oπice Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensibles of lifers may be available under the provisions of 37 CFR 1.138(s). In no covert, however, may a neck be limited from the realistic communication of the provisions of 37 CFR 1.138(s). In no covert, however, may a neck be limited from the realistic communication of the provisions of 17 CFR 1.138(s). In no covert, however, may a neck be limited and on the communication. - Failure to reply within the set or extended period for reply will be provided by the Extension of the provision and the minimum date of this communication, even if timely filled, may reduce any valuation plates them adjustment, then 37 CFR 1.1704(s). Status 1) Responsive to communication(s) filled on		Danny Worrell	3765					
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a) ⊠ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☒ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Priority under 35 U.S.C. § 119							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date	 a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). 							
Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 7/12/06. 5) Notice of Informal Patent Application Other:								

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is directed to a computer program without being embodied on a tangible computer-readable medium. Providing language stating that the computer program is encoded on a computer-readable medium would make the claim statutory.

Allowable Subject Matter

Claims 1-11 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Worrell whose telephone number is 571/272-4997. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GARY WELCH can be reached on 571/272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Danny Worrell/ Primary Examiner, Art Unit 3765

LDW